

Case 09-03763-NPO Doc 78 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc Main  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

IN RE: ) Case No. 09-03763-NPO  
)  
JON CHRISTOPHER EVANS, ) Chapter 7  
)  
Debtor. )

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**AFFIDAVIT OF ROBERT B. JONES**

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STATE OF MISSISSIPPI

COUNTY OF MADISON

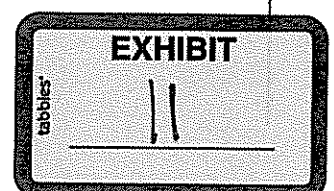
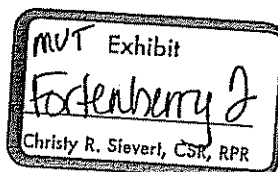
PERSONALLY APPEARED BEFORE ME, the undersigned authority, Robert B. Jones,  
who, being by me first duly sworn deposes and says that:

1. I am a person of the full age of majority and make this affidavit of my own  
personal knowledge.

2. I am the claims counsel for Mississippi Valley Title Insurance Company  
("Mississippi Valley Title").

3. Jon Christopher Evans and his brother, Charles H. Evans, Jr., are defendants in a  
lawsuit filed by Mississippi Valley Title asserting that both Jon Christopher Evans and Charles  
H. Evans, Jr. engaged in fraudulent, intentional, and/or negligent conduct to the detriment of  
Mississippi Valley Title and lenders. This lawsuit is currently pending in the Madison County  
Chancery Court, cause no. 2009-1311 (the "State Court Action"). However, MVT is stayed from  
proceeding against Jon Christopher Evans, Colony Developers, Inc. and Highland of Ridgeland,  
Inc. because they have filed bankruptcy proceedings.

4. Both Charles H. Evans, Jr. and Jon Christopher Evans are licensed attorneys in  
the State of Mississippi, although Jon Christopher Evans is currently on inactive status.



5. Charles H. Evans, Jr. was an approved attorney for Mississippi Valley Title, although not retained, hired or employed by Mississippi Valley Title.

6. Approved attorneys provide title certificates to Mississippi Valley Title which are intended to represent the true status of title on a particular property.

7. Mississippi Valley Title relies on the diligence, accuracy, honesty and representations of its approved attorneys, such as Charles H. Evans, Jr., in title certificates before issuing title insurance policies.

8. Mississippi Valley Title relied on the title certificates provided by Charles H. Evans, Jr. to issue over 100 title insurance policies to various lenders (the "Lenders").

9. Charles H. Evans, Jr. misrepresented the true ownership of and encumbrances upon certain land in title certificates provided to Mississippi Valley Title for the benefit of Jon Christopher Evans and/or other entities who borrowed funds from the Lenders.

10. Each of the business entities obtaining loans based on these title insurance policies and to whom loan proceeds were disbursed was owned and/or controlled by Jon Christopher Evans and/or Charles H. Evans, Jr. and/or participated in the common scheme and enterprise of Jon Christopher Evans and/or Charles H. Evans, Jr.

11. Jon Christopher Evans, Charles H. Evans, Jr. and others have entered in concert in a fraudulent and/or criminal scheme to defraud Mississippi Valley Title and Lenders by borrowing funds from Lenders using certain land as collateral when title to the collateral was not of record in the landowner.

12. As a part of the fraudulent scheme Jon Christopher Evans and/or Charles H. Evans, Jr. would misrepresent to the Lenders and Mississippi Valley Title that the land was owned by an entity controlled by Jon Christopher Evans and/or Charles H. Evans, Jr.

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13. Based on the false title certificates provided by Charles H. Evans, Jr. and title insurance commitments issued by Mississippi Valley Title, Lenders would advance funds to Jon Christopher Evans, Charles H. Evans, Jr. and/or others.

14. Based on the false title certificates provided by Charles H. Evans, Jr., Mississippi Valley Title would issue title insurance policies that insured the Lenders for certain defects in title.

15. Contrary to the representations made by Charles H. Evans, Jr. in title certificates, record title to the subject property was never transferred into the entity that actually borrowed the funds and whose title was insured. Rather, record title remained in the name of one of the other defendants in the State Court Action, although equitable title passed from the record title holder to the entity borrowing funds and executing a deed of trust in favor of the affected Lender.

16. As of this date, Mississippi Valley Title has received 65 claims on title policies issued in reliance upon title certificates provided by Charles H. Evans, Jr. These claims have a total value of \$41,415,242.35. A summary of the claims received by Mississippi Valley Title is attached as Exhibit "A".

17. As evidence of this fraudulent scheme, Mississippi Valley Title Insurance Company provides the following examples of real property involved in the apparent fraudulent activity:

**38 Acre Parcel of Property on Highland Colony Parkway**

- a. On October 17, 2003, Old Agency Business Park, Inc. (an entity controlled by Jon Christopher Evans) obtained title to a 38.57 acre parcel of property located on the Highland Colony Parkway in Madison County, Mississippi.
- b. Title to this property is evidenced by that certain Warranty Deed recorded in Book 1702 at Page 224 (amended in Book 1749 at Page 585) in the Office of the Chancery Clerk of Madison County Mississippi.

Lot 1G: Fraudulent Title Certificates Beginning with  
Madison Avenue Development Company, LLC

- c. On November 15, 2006, Charles H. Evans, Jr. signed a Final Certificate of Title certifying that title to 3 acres of the 38.57 acres of title was vested in Madison Avenue Development Company, LLC (an entity controlled by Jon Chris Evans) and that Community Bank held the First Mortgage on that Property by virtue of a Deed of Trust recorded in the office of the Chancery Clerk of Madison County, Mississippi. See attached Exhibit "B".
- d. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy M-306708 in the amount of \$776,129.50 insuring that Community Bank held a first mortgage on the subject 3 acre parcel of property.
- e. After learning of the possible fraud, Mississippi Valley Title recently searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that a deed has never been recorded vesting title to the subject 3 acre parcel of property into Madison Avenue Development Company, LLC.
- f. Upon information and belief, the Community Bank loan secured by the Deed of Trust still has an outstanding balance owing on it.
- g. On June 2, 2008, Charles H. Evans, Jr. signed another Final Certificate of Title certifying that the same subject 3 acre parcel of property was vested in Westwoods Investments, LLC (an entity controlled by Jon Chris Evans) and that Metropolitan Bank held a first lien on the same subject 3 acre parcel of property. See Exhibit "C".
- h. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy LP107014 in the amount of \$577,180.00 insuring that Metropolitan Bank held a first mortgage on the subject 3 acre parcel of property.
- i. After learning of the possible fraud, Mississippi Valley Title searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that no deed has ever been recorded vesting title to the subject 3 acre parcel of property into Westwoods Investments, LLC.
- j. Upon information and belief, the Metropolitan Bank loan secured by the Deed of Trust still has an outstanding balance owing on it.
- k. On July 8, 2008, Charles H. Evans, Jr. signed another Final Certificate of Title certifying that the same subject 3 acre parcel of property was vested in Park Place Commons, LLC (an entity controlled by Jon Chris Evans) and that Holmes

County Bank & Trust Company held a first lien on the same subject 3 acre parcel of property. See Exhibit "D".

- l. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy LP107019 in the amount of \$780,127.00 insuring that Holmes County Bank & Trust Company held a first mortgage on the subject 3 acre parcel of property.
- m. After learning of the possible fraud, Mississippi Valley Title searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that no deed has ever been recorded vesting title to the subject 3 acre parcel of property into Park Place Commons, LLC.
- n. Upon information and belief, the Holmes County Bank & Trust loan secured by the Deed of Trust still has an outstanding balance owing on it.

*Lot 1F: Fraudulent Title Certificates Beginning with  
Nottaway Pointe, LLC*

- o. On July 8, 2008, Charles H. Evans, Jr. signed a Final Certificate of Title certifying that title to 3 acres of the 38.57 acres was vested in Westwoods Investments, LLC (an entity controlled by Jon Chris Evans) and that Renasant Bank held the First Mortgage on that Property by virtue of a Deed of Trust recorded in the office of the Chancery Clerk of Madison County, Mississippi. See attached Exhibit "E".
- p. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy LP107023 in the amount of \$781,950.00 insuring that Renasant Bank held a first mortgage on the subject 3 acre parcel of property.
- q. After learning of the possible fraud, Mississippi Valley Title searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that a deed has never been recorded vesting title to the subject 3 acre parcel of property into Westwoods Investments, LLC. Moreover, the land records revealed that on November 14, 2003, Old Agency Business Park, Inc. granted Bank First Financial Services a deed of trust on the subject property securing a loan in the amount of \$480,420.50.
- r. Upon information and belief, the Renasant Bank loan secured by the Deed of Trust still has an outstanding balance owing on it.
- s. On February 12, 2009, Charles H. Evans, Jr. signed a Final Certificate of Title certifying that title to 3 acres of the 38.57 acres of title was vested in Nottaway Pointe, LLC (an entity controlled by Jon Chris Evans) and that Holmes County Bank & Trust held the First Mortgage on that Property by virtue of a Deed of

Trust recorded in the office of the Chancery Clerk of Madison County, Mississippi. See attached Exhibit "F".

- t. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy LP107085 in the amount of \$800,292.00 insuring that Holmes County Bank & Trust Company held a first mortgage on the subject 3 acre parcel of property.
- u. After learning of the possible fraud, Mississippi Valley Title searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that no deed has ever been recorded vesting title to the subject 3 acre parcel of property into Nottaway Pointe, LLC.
- v. Upon information and belief, the Holmes County Bank & Trust loan secured by the Deed of Trust still has an outstanding balance owing on it.

**84 Acre Parcel of Property on Park Place Boulevard**

- w. On July 23, 2008, Hanover Investments, LLC (an entity controlled by Charles Evans) obtained title to an 84.56 acre parcel of property located on Park Place Boulevard in Madison County, Mississippi.
- x. Title to this property is evidenced by that certain Warranty Deed recorded in Book 2338 at Page 304 in the Office of the Chancery Clerk of Madison County Mississippi.

**Lots 4A and 4B: Fraudulent Title Certificates Beginning with  
White Oaks Investment Company, LLC**

- y. On September 17, 2008, Charles H. Evans, Jr. signed a Final Certificate of Title certifying that title to 4.5 acres of the 84.56 acres of title was vested in White Oaks Investment Company, LLC (an entity controlled by Jon Chris Evans) and that Bank of Forest held the First Mortgage on that Property by virtue of a Deed of Trust recorded in the office of the Chancery Clerk of Madison County, Mississippi. See attached Exhibit "G".
- z. In reliance on Charles H. Evans, Jr.'s representation made in the Final Certificate of Title, Mississippi Valley Title issued Policy LP107024 in the amount of \$1,296,500.00 insuring that Bank of Forest held a first mortgage on the subject 4.5 acre parcel of property.
- aa. After learning of the possible fraud, Mississippi Valley Title searched the General Index in the Office of the Chancery Clerk in Madison County, Mississippi and confirmed that no deed has ever been recorded vesting title to the subject 4.5 acre parcel of property into White Oaks Investment Company, LLC.

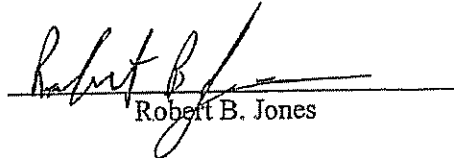
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bb. Upon information and belief, the Bank of Forest loan secured by the Deed of Trust still has an outstanding balance owing on it.

18. Jon Christopher Evans and Charles H. Evans, Jr. repeated this common scheme on many other properties in Madison County, Desoto County, Rankin County, and Hinds County in Mississippi.

19. Recognizing the probability of fraudulent and/or criminal activity, Mississippi Valley Title immediately attempted to contact Jon Christopher Evans and Charles H. Evans, Jr. to attempt to cure certain title defects. Neither Jon Christopher Evans nor Charles H. Evans, Jr. has responded to Mississippi Valley Title's requests to cooperate or agreed to meet in an effort to merge the legal and equitable title problems created by this fraudulent scheme. Rather, Jon Christopher Evans filed a bankruptcy petition on October 26, 2009, on the eve of the State court preliminary injunction hearing.

AND AFFIANT FURTHER SAITH NOT

  
Robert B. Jones

Sworn to and Subscribed Before Me,  
Notary, this 17th day of November, 2009.

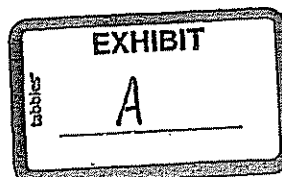
Barbara M. Cargill  
Notary Public  
Printed Name: Barbara M. Cargill  
Notary No. 49447  
My Commission Expires: 8-11-2012



MISSISSIPPI STATEWIDE NOTARY PUBLIC  
MY COMMISSION EXPIRES AUGUST 11, 2012  
BONDED THRU STEGALL NOTARY SERVICE

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Exhibit A Page 1 of 2

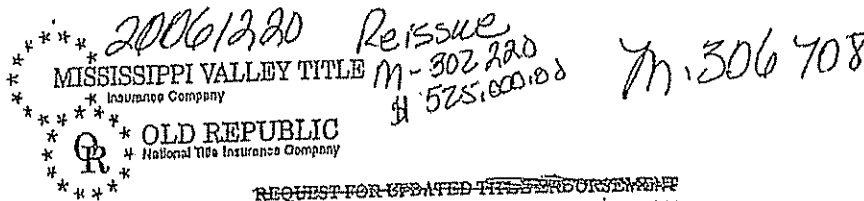
Policy No.	Borrower	Lender	Amount
M-306873	463 Development Co, LLC	State Bank & Trust Company	1,302,914.50
M-306818	463 Development Company, LLC	Community Bank of Mississippi	520,129.50
LP-107030	Brashear Heath, LLC	First Security Bank	900,165.00
LP-107020	Brashear Heath, LLC	Britton & Koontz Bank	904,666.00
LP-107074	Brisbane Centre, LLC	Guaranty Bank & Trust Company	808,304.50
LP-107066	C E Development, Inc.	First Bank	227,407.26
M-306065	C E Development, Inc.	First Bank of McComb	227,348.27
LP-104007	CE Development, Inc.	First Bank	700,000.00
M-306461	Cedar Lake Investors, LLC	BankFirst Financial Services	760,000.00
LP-107067	Cedar Lake Investors, LLC	State Bank & Trust Company	311,255.53
M-306474	Cedar Lake Investors, LLC	Citizens National Bank of Meridian	712,179.50
M-306468	Cedar Lake Investors, LLC	First Bank	416,167.50
M-306462	Cedar Lake Investors, LLC	Merchants & Farmers Bank	613,964.15
M-306537	Cedar Lake Investors, LLC	Merchants & Farmers Bank	324,274.24
M-306472	Cedar Lake Investors, LLC	National Bank of Commerce	760,241.99
LP-107046	Clear Creek Development, LLC	Cadence Bank	825,000.00
M-306705	Colony Construction Ltd.	BankPlus	338,122.15
M-306043	Colony Construction, Ltd.	BancorpSouth Bank	250,000.00
M-306035	Colony Construction, Ltd.	BankPlus	183,695.77
LP-107017	Colony Developers, Inc.	Merchants and Farmers Bank	169,680.30
M-306032	Colony Developers, Inc.	Madison County Bank	245,211.25
M-306067	Highland CE Corporation	First Commercial Bank	304,000.00
M-306072	Highland of Madison Development, Inc.	Community Bank of Mississippi	350,000.00
M-306582	Highland of Ridgeland, Inc.	Consumer National Bank	191,702.93
M-306010	Highland of Ridgeland, Inc.	Southtrust Bank, NA	228,461.43
M-306074	J C E Highland Corporation	Citizens National Bank	221,667.46
LP-107055	Jon C. Evans	Community Bank of Mississippi	170,169.00
RP-141868	Jon Christopher Evans	Merchants & Planters Bank	130,000.00
M-306040	Jon Cris Evans	Merchants and Farmers Bank	287,200.00
LP-116296	Landsdowne Group, LLC	BankFirst Financial Services	828,750.00
M-306804	Madison Avenue Development Co, LLC	Renasant Bank	600,200.00
M-306708	Madison Avenue Development Company, LLC	Community Bank	776,129.40
M-306758	Madison Avenue Development Company, LLC	OmniBank	740,769.50
M-306737	Madison Avenue Development Company, LLC	OmniBank	775,804.50
M-306803	Madison Avenue Development Company, LLC	Cadence Bank	596,529.50
M-306718	Madison Avenue Development Company, LLC	Cadence Bank	1,614,402.04
M-306816	Madison Avenue Development Company, LLC	Merchants & Farmers Bank	1,360,529.00
LP-107085	Nottaway Pointe, LLC	Holmes County Bank & Trust Company	800,292.00
M-306229	Old Agency Business Park, Inc.	National Bank of Commerce	600,200.00





Policy No	Borrower	Lender	Amount
M-306226	Old Agency Business Park, Inc.	Community Bank of Mississippi	464,057.50
M-306291	Old Agency Business Park, Inc.	BankFirst Financial Services	480,420.50
M-306292	Old Agency Business Park, Inc.	Citizens National Bank of Meridian	500,170.50
M-306717	Old Agency Business Park, Inc.	Citizens National Bank of Meridian	585,530.00
LP-107025	Park Place Commons LLC	BancorpSouth Bank	1,500,081.00
LP-107019	Park Place Commons, LLC	Holmes County Bank & Trust Company	780,127.00
M-306876	Parkway Crossing, LLC	BancorpSouth Bank	860,080.00
M-305980	Ridgeland Recreational, Corp	Union Planters Bank	243,064.80
M-306425	Snowden Grove Investors, LLC	First Alliance Bank	380,000.00
M-306426	Snowden Grove Investors, LLC	First Alliance Bank	380,000.00
M-306382	Snowden Lane Investments, LLC	BankFirst Financial Services	800,418.00
LP-107064	Snowden Lane Investments, LLC	BancorpSouth Bank	555,585.53
M-307874	Snowden Lane Investments, LLC	Merchants & Farmers Bank	616,874.81
M-306380	Snowden Lane Investments, LLC	Community Bank of Mississippi	800,000.00
LP-107073	Town Park of Madison, LLC	Merchants & Farmers Bank	3,037,264.04
M-306430	Twin City Commons Development Company LLC	Peoples Bank & Trust Company (nka Renasant Bank)	400,000.00
M-306369	Twin City Commons Development Company, LLC	Trust One Bank	584,000.00
LP-107087	Twin City Commons Development Company, LLC	Commercial Bank & Trust Company	572,000.00
M-306366	Twin City Commons Development Company, LLC	The Peoples Bank & Trust Company (nka Renasant Bank)	392,000.00
LP-107084	Twin City Commons Development Company, LLC	First Security Bank	801,128.00
LP-104028	Westwoods Investments, LLC	Bank of Yazoo City	800,188.00
LP-106999	Westwoods Investments, LLC	Bank of the South	700,680.00
LP-107014	Westwoods Investments, LLC	Metropolitan Bank	577,180.00
LP-107023	Westwoods Investments, LLC	Renasant Bank	781,950.00
LP-107024	White Oaks Investment Company, LLC	Bank of Forest	1,295,500.00
M-306150	Woodgreen Development Corporation	BankFirst Financial Services	448,408.50
Total Claim Value:			41,415,242.35

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**REQUEST FOR UPDATED TITLE RECORDS FROM  
APPLICATION AND ATTORNEY'S FINAL CERTIFICATE**

Use this form for all cases where transaction is closed and papers recorded.  
If new construction within statutory period for liens, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the coverage and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule "B" hereto, the marketable fee simple title to the real estate described herein is vested in:

Madison Avenue Development Company, LLC

Complete Sections I and II if both mortgagee's and owner's policy desired

**I. FOR MORTGAGEE'S POLICY:**

1. Is a Short Form Policy to be issued? yes. If no, what is the Street Address? 4660 Office Park Dr.  
Jackson, MS  
Zip Code? 39208, Loan Number \_\_\_\_\_  
2. Is Loan Conventional? yes FHA? no VA? no  
3. Is Instrument deed of trust or mortgage? Deed of Trust dated 11-15-08  
4. Does it secure construction financing? no or permanent financing? yes  
5. Mortgagee Madison Avenue Development Company, LLC  
6. Trustee Wyman Jones  
7. Mortgagee Community Bank  
8. Filed for record in the office of the \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_ County,  
State of MS on 11-15, 08 at 4:45 o'clock P. M.,  
recorded in Book 2122 Page 888 R 65  
9. Amount of debt \$ 778,129.60, Final Maturity 11-15-12  
10. Assigned by instrument dated n/a to \_\_\_\_\_, executed by \_\_\_\_\_  
Filed for record \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., recorded in said  
County in Book \_\_\_\_\_, Page \_\_\_\_\_.

**II. FOR OWNER'S POLICY:**

(a) Kind of Instrument n/a dated M. 302 220  
(b) Grantors \_\_\_\_\_  
(c) Grantees \_\_\_\_\_  
Filed for record in office of \_\_\_\_\_ of \_\_\_\_\_  
County, State of \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
recorded in Book \_\_\_\_\_ Page \_\_\_\_\_  
(d) Consideration \$ \_\_\_\_\_, Estate of Grantees \_\_\_\_\_ (fee, years, leasehold)

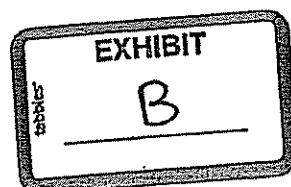
**SCHEDULE A**

Insert below verbatim copy of description as contained in deed or mortgage to be insured.

Situated in City of Ridgeland County of Madison, State of MS to-wit:

(See Exhibit A)

(old 20031936)



FINAL CERTIFICATE

SCHEDULE "F"

(Attach rider if space is not sufficient)

1. TAXES AND SPECIAL ASSESSMENTS:

(a) All paid through year 2006  
(b) Unpaid taxes 2006  
(c) Special Assessments payable in future no  
(d) Are there improvements declared necessary or begun for which no assessment has been made? no  
(e) Is land located in a drainage district? none Name: n/a  
If so, bonds outstanding \$ n/a

2. MORTGAGES, DEEDS OF TRUST, VENDORS LIENS AND UNREDEEMED TAX SALES:

(Give names of all parties, amounts, dates, book and page, where recorded, with like information about any assignments)

Mortgagor: Madison Avenue Development Company, LLC  
Mortgagee: Community Bank of Mississippi  
Trustee: Wyman Jones  
Amount: \$776,129.60  
Date of Deed of Trust: 11-16-06  
Book 2122 Page 888  
5

3. RESTRICTIONS AND COVENANTS:

Are there any? no (Attach verbatim copy). Recorded Book \_\_\_\_\_ Page \_\_\_\_\_ Filed \_\_\_\_\_  
(a) State whether violated or not \_\_\_\_\_  
(b) Do restrictions contain a reversionary or forfeiture clause? \_\_\_\_\_  
(c) If so, has above been released? \_\_\_\_\_ (Attach release instrument showing book and page where recorded).

4. BUILDING RESTRICTION LINES OR EASEMENTS SHOWN ON RECORDED PLAT:

If any define:  
  
none

5. OIL AND MINERAL RIGHTS AND LEASES OUTSTANDING:

If any list:  
  
n/a

(a) Have you examined the title to minerals beginning with the date of original entry? no  
If not, our commitment and policy will contain an appropriate exception.  
(b) Mineral interests, if any, to be reserved by seller no

6. OTHER DEFECTS, LIENS AND OBJECTIONS:

(Where any, check items and describe below or on rider attached). Undersigned certifies items not checked are clear.

(a) _____ Mechanics' and Materialmen's Liens of record	(g) _____ Federal Tax Liens
(b) _____ Judgments	(h) _____ Recorded or known unrecorded leases
(c) _____ Estates and Decedent's Debts	(i) _____ Easements
(d) <input checked="" type="checkbox"/> Easements and Party Wall Agreements	(j) _____ Matters not listed
(e) _____ Bankruptcy Proceedings	(k) _____ Violation of zoning ordinances
(f) _____ Lis Pendens of Record	(l) _____ Violation of Building setback lines

(See Exhibit B)

The undersigned certifies that the title does not depend upon the sale of the property for either taxes or assessments and so far as known there is no dispute among attorneys as to validity of title.

This title certified down to November 16 2008 at 4:45 P. M.

Approved Attorney Charles H. Evans  
By Charles H. Evans  
Member of firm

Address P.O. Box 13783, Jackson, MS 39236

Phone Number 601/362-1282 Fax Number 601/362-7475

EXHIBIT 'A'

7022093

THIS EXHIBIT IS ATTACHED TO AND MADE A PART OF THAT DEED OF TRUST DATED NOVEMBER 15, 2006,  
AND FURTHER DESCRIBES THE PROPERTY:

BOOK 2122 PAGE 873

COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SECTION 25,  
TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND RUN THENCE SOUTH  
FOR A DISTANCE OF 42.03 FEET TO AN EXISTING CONCRETE MONUMENT (NATCHEZ TRACE  
MONUMENT NO. 149) ON THE SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY;  
RUN THENCE SOUTH 83 DEGREES 09 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 897.10  
FEET TO A POINT; RUN THENCE SOUTH 78 DEGREES 07 MINUTES 15 SECONDS EAST FOR A  
DISTANCE OF 430.37 FEET TO A FOUND CONCRETE MONUMENT LYING WEST OF BRAME ROAD;  
RUN THENCE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 42.14 FEET  
TO A POINT; CONTINUE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST ALONG SAID SOUTH  
RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 1362.08 FEET TO A  
POINT ON THE WEST LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 00 DEGREES 03  
MINUTES 31 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE  
PARKWAY AND THE WEST RIGHT-OF-WAY LINE OF HIGHLAND COLONY PARKWAY FOR A  
DISTANCE OF 224.69 FEET TO A FOUND CONCRETE MONUMENT; RUN THENCE SOUTH 87  
DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ  
TRACE PARKWAY FOR A DISTANCE OF 1360.88 FEET TO THE POINT OF BEGINNING OF THE  
FOLLOWING DESCRIBED PARCEL OF LAND; CONTINUE THENCE SOUTH 87 DEGREES 37 MINUTES  
32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY  
FOR A DISTANCE OF 470.59 FEET TO A FOUND CONCRETE MONUMENT OF THE WEST RIGHT-OF-  
WAY LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 26 DEGREES 15 MINUTES 46  
SECONDS EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR  
A DISTANCE OF 303.55 FEET TO A FOUND IRON PIN AT THE NORTHERNMOST CORNER OF THAT  
CERTAIN PARCEL OF LAND CONVEYED TO THE CITY OF RIDGE LAND, MISSISSIPPI, BY  
WARRANTY DEED ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF  
MADISON COUNTY, MISSISSIPPI, AND RECORDED IN DEED BOOK 360 AT PAGE 632, REFERENCE  
TO WHICH IS HEREBY MADE IN AID OF AND AS A PART OF THIS DESCRIPTION; RUN THENCE  
SOUTHERLY AND ALONG THE WEST LINE OF SAID PARCEL AS DESCRIBED IN WARRANTY DEED  
BOOK 360 AT PAGE 632 AS FOLLOWS; RUN THENCE SOUTH 07 DEGREES 44 MINUTES 24 SECONDS  
EAST, A DISTANCE OF 284.34 FEET TO A POINT; RUN THENCE SOUTH 17 DEGREES 58 MINUTES 56  
SECONDS EAST, A DISTANCE OF 289.51 FEET TO A POINT; RUN THENCE SOUTH 24 DEGREES 48  
MINUTES 08 SECONDS EAST, A DISTANCE OF 402.20 FEET TO A POINT; RUN THENCE 01 DEGREES  
16 MINUTES 35 SECONDS WEST, A DISTANCE OF 829.75 FEET TO A POINT ON AN EXISTING FENCE;  
LEAVING SAID WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN WARRANTY  
DEED BOOK 360 AT PAGE 632, AND RUN THENCE NORTH 88 DEGREES 26 MINUTES 50 SECONDS  
WEST ALONG SAID EXISTING FENCE FOR A DISTANCE OF 898.05 FEET TO A POINT ON SAID EAST  
RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE  
NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS  
FOLLOWS; RUN THENCE NORTH 00 DEGREES 29 MINUTES 44 SECONDS WEST, A DISTANCE OF  
19.23 FEET TO A POINT; RUN THENCE NORTH 44 DEGREES 55 MINUTES 40 SECONDS WEST, A  
DISTANCE OF 44.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A  
CENTRAL ANGLE OF 09 DEGREES 50 MINUTES 41 SECONDS AND RADIUS OF 900.00 FEET; RUN  
THENCE ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 154.64 FEET (CHORD  
BEARING AND DISTANCE) NORTH 05 DEGREES 33 MINUTES 46 SECONDS WEST, A DISTANCE OF  
154.45 FEET TO A POINT; RUN THENCE NORTH 10 DEGREES 29 MINUTES 08 SECONDS WEST, A  
DISTANCE OF 108.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A  
CENTRAL ANGLE OF 10 DEGREES 44 MINUTES 53 SECONDS AND A RADIUS OF 800.00 FEET; RUN  
THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 150.07 FEET (CHORD  
BEARING AND DISTANCE) NORTH 05 DEGREES 06 MINUTES 40 SECONDS WEST, A DISTANCE OF  
149.89 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 68.52  
FEET TO THE POINT OF BEGINNING OF THE PROPERTY DESCRIBED HEREIN; THENCE CONTINUE  
NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 107.58 FEET; RUN THENCE NORTH 45  
DEGREES 20 MINUTES 20 SECONDS EAST 42.37 FEET TO A POINT; THENCE LEAVING SAID  
HIGHLAND COLONY PARKWAY RUN SOUTH 89 DEGREES 58 MINUTES 50 SECONDS EAST 824.71  
FEET; THENCE SOUTH 18 DEGREES 52 MINUTES 20 SECONDS EAST 101.21 FEET; THENCE SOUTH 04  
DEGREES 57 MINUTES 18 SECONDS EAST 65.78 FEET; THENCE NORTH 88 DEGREES 26 MINUTES 50  
SECONDS WEST 894.09 FEET TO THE POINT OF BEGINNING THE ABOVE DESCRIBED PARCEL OF  
LAND IS SITUATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25,  
TOWNSHIP 7 NORTH, RANGE 1 EAST, RIDGE LAND, MADISON COUNTY, MISSISSIPPI, AND  
CONTAINS 3.0 ACRES, MORE OR LESS.

EXHIBIT A

INITIAL

INITIAL

MADISON COUNTY MS - This instrument was  
filed for record NOV. 10, 2009 at 1:45pm.  
Book 2121 Page 865  
ARTHUR WHITSON, C. C.  
DY: [Signature] D.O. [Stamp]

Subject, however, to the following:

1. Ad valorem taxes for the year 200<sup>6</sup> although not yet due and payable.
2. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting the conveyed property.
3. Terms and conditions of that certain covenants or restrictions recorded in Book 360 at Page 632.
4. Terms and conditions of that certain right of way and easement reserved on the right of way plans of the "South Madison County Parkway" in the office of the Chancery Clerk of Madison County at Canton, Mississippi. This parkway is now the Highland Colony Parkway.
5. Terms and conditions of that certain right of way in favor of Entergy Mississippi, Inc., dated November 10, 2002, and recorded in Book 527 at Page 465.
6. Terms and conditions of that certain easement to the City of Ridgeland dated August 5, 1995, and recorded in Book 360 at Page 626.
7. Terms and conditions of the conveyance of abutter's rights as contained in Book 79 at Page 89.

EXHIBIT, "B"

MAILED COPY



V135267 / LP107014

APPLICATION AND ATTORNEY'S FINAL CERTIFICATE

Use this form for all cases where transaction is closed and papers recorded.  
If new construction within statutory period for liens, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the sovereign and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule 'B' hereof, the marketable fee simple title to the real estate described herein is vested in  
Westwoods Investments LLC ✓

Complete Sections I and II if both mortgagee's and owner's policy desired

I. FOR MORTGAGEE'S POLICY

1. Is a Short Form Policy to be issued? no. If so, what is the Street Address? \_\_\_\_\_  
Zip Code? \_\_\_\_\_, Loan Number \_\_\_\_\_
2. Is loan Conventional? yes PHA? no VA? no
3. Is instrument deed of trust or mortgage? Deed of Trust dated 05-29-08
4. Does it secure construction financing? no or permanent financing? yes
5. Mortgagee Westwoods Investments LLC
6. Trustee Robert W. Lawrence
7. Mortgagee Metropolitan Bank
8. Filed updated Deed of Trust for record in the office of the Chancery Clerk of Madison County,  
State of MS on 05-02, 08 at 10:15 o'clock A. M.,  
recorded Book 2321 Page 707
9. Amount of debt \$ 577,180.00, Final Maturity 08-01-2018 ✓
10. Assigned by instrument dated n/a to \_\_\_\_\_, executed by \_\_\_\_\_  
Filed for record \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., recorded in said  
County in Book \_\_\_\_\_, Page \_\_\_\_\_

II. FOR OWNER'S POLICY

- (a) Kind of instrument n/a dated \_\_\_\_\_
- (b) Grantors \_\_\_\_\_
- (c) Grantees \_\_\_\_\_  
Filed for record in office of \_\_\_\_\_ of \_\_\_\_\_  
County, State of \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
recorded in Book \_\_\_\_\_, Page \_\_\_\_\_
- (d) Consideration \$ \_\_\_\_\_, Estate of Grantees \_\_\_\_\_ (fee, years, leasehold)

SCHEDULE A

Insert below verbatim copy of description as contained in deed or mortgage to be insured.

Situated in Hidgeland County of Madison, State of MS to-wit:

(See Exhibit A)



FINAL CERTIFICATE

SCHEDULE "B"  
(Attach rider if space is not sufficient)

1. TAXES AND SPECIAL ASSESSMENTS:

(a) All paid through year 2007  
(b) Unpaid taxes 2008  
(c) Special Assessments payable in future no  
(d) Are there improvements declared necessary or begun for which no assessment has been made? no  
(e) Is land located in a drainage district? none, Name: n/a  
If so, bonds outstanding \$ n/a

2. MORTGAGES, DEEDS OF TRUST, VENDORS LIENS AND UNREDEEMED TAX SALES:

(Give names of all parties, amounts, dates, book and page, where recorded, with like information about any assignments)

Mortgagor: Westwoods Investments LLC  
Mortgagee: Robert W. Lawrence  
Trustee: Metropolitan Bank  
Amount: \$577,180.00  
Date of Deed of Trust: 05-28-08  
Book 2321 Page 707  
Updated Deed of Trust was recorded on 08-02-08 at 10:15 A.M. in Book 2321 Page 707

*Insured*

3. RESTRICTIONS AND COVENANTS: (See Exhibit B)

Are there any? X (Attach verbatim copy), Recorded Book \_\_\_\_\_ Page \_\_\_\_\_ Filed \_\_\_\_\_  
(a) State whether violated or not  
(b) Do restrictions contain a reversionary or forfeiture clause?  
(c) If so, has above been released? (Attach release instrument showing book and page where recorded).

4. BUILDING RESTRICTION LINES OR EASEMENTS SHOWN ON RECORDED PLAT:

If any define:

(See Exhibit B)

5. OIL AND MINERAL RIGHTS AND LEASES OUTSTANDING:

If any list:

n/a

(a) Have you examined the title to minerals beginning with the date of original entry? n/a  
If not, our commitment and policy will contain an appropriate exception.  
(b) Mineral interests, if any, to be reserved by seller n/a

6. OTHER DEFECTS, LIENS AND OBJECTIONS:

(Where any, check items and describe below or on rider attached). Underigned certifies items not checked are clear.

(a) <u>  </u> Mechanic's and Materialman's Liens of record	(g) <u>  </u> Federal Tax Liens
(b) <u>  </u> Judgments	(h) <u>  </u> Recorded or known unrecorded leases
(c) <u>  </u> Estates and Decedent's Debts	(i) <u>  </u> Encroachments
(d) <u>X</u> Easements and Party Wall Agreements	(j) <u>  </u> Matters not listed
(e) <u>  </u> Bankruptcy Proceedings	(k) <u>  </u> Violation of zoning ordinances
(f) <u>  </u> Lis Pendens of Record	(l) <u>  </u> Violation of Building setback lines

(See Exhibit B)

The underigned certifies that the title does not depend upon the sale of the property for either taxes or assessments and so far as known there is no dispute among attorneys as to validity of title.

This title certified down to June 2, 2008 at 10:15 A.M.

Approved Attorney Charles H. Evans 525241

By Charles H. Evans  
Member of Firm

Address P.O. Box 13763, Jackson, MS 39236

Phone Number 601/382-1282 Fax Number 601/713-2108

Subject, however, to the following:

1. Ad valorem taxes for the year 2008 although not yet due and payable,
2. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting the conveyed property,
3. Terms and conditions of that certain covenants or restrictions recorded in Book 360 at Page 632,
4. Terms and conditions of that certain right of way and easement reserved on the right of way plans of the "South Madison County Parkway" in the office of the Chancery Clerk of Madison County at Canton, Mississippi. This parkway is now the Highland Colony Parkway,
5. Terms and conditions of that certain right of way in favor of Entergy Mississippi, Inc., dated November 10, 2002, and recorded in Book 527 at Page 465.
6. Terms and conditions of that certain easement to the City of Ridgeland dated August 5, 1995, and recorded in Book 360 at Page 626.
7. Terms and conditions of the conveyance of abutter's rights as contained in Book 79 at Page 89.

Exhibit B



Case 09-03763-NPO Doc 78-4 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc  
Exhibit D Page 1 of 4

V135280

LP107019



APPLICATION AND ATTORNEY'S FINAL CERTIFICATE

Use this form for all cases where transaction is closed and papers recorded.  
If new construction within statutory period for liens, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the sovereign and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule "B" hereof, the marketable fee simple title to the real estate described herein is vested in:

Holmes County Bank & Trust Company

Complete Sections I and II if both mortgagee's and owner's policy desired

I. FOR MORTGAGEE'S POLICY:

1. Is a Short Form Policy to be issued? no. If so, what is the Street Address? \_\_\_\_\_  
Zip Code? \_\_\_\_\_, Loan Number \_\_\_\_\_, FHA? \_\_\_\_\_, VA? \_\_\_\_\_  
2. Is loan Conventional? yes  
3. Is instrument deed of trust or mortgage? deed of trust dated \_\_\_\_\_  
4. Does it secure construction financing? no or permanent financing? yes  
5. Mortgagee: Perth Place Commons LLC  
6. Trustee: Marshall Holt Smith, Jr.  
7. Mortgagee: Holmes County Bank & Trust Company  
8. Filed for record in the office of the Chancery Clerk of Madison County,  
State of MS on 4-28-2008 at 9:50 o'clock A. M.,  
recorded Book 2309 Page 667  
9. Amount of debt \$ 780,127.00, Final Maturity 4-22-09  
10. Assigned by instrument dated \_\_\_\_\_ to \_\_\_\_\_, executed by \_\_\_\_\_  
Filed for record \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., recorded in said  
County in Book \_\_\_\_\_, Page \_\_\_\_\_

II. FOR OWNER'S POLICY:

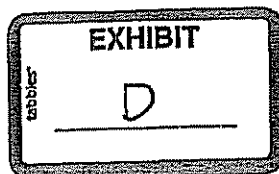
no  
(a) Kind of instrument \_\_\_\_\_ dated \_\_\_\_\_  
(b) Grantors \_\_\_\_\_  
(c) Grantees \_\_\_\_\_  
Filed for record in office of \_\_\_\_\_ of \_\_\_\_\_  
County, State of \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
recorded in Book \_\_\_\_\_ Page \_\_\_\_\_  
(d) Consideration \$ \_\_\_\_\_, Estate of Grantees \_\_\_\_\_ (fee, years, leasehold)

SCHEDULE A

Insert below verbatim copy of description as contained in deed or mortgage to be insured.

Situated in Ridgeland County of Madison, State of MS to-wit:

See Exhibit A



FINAL CERTIFICATE

SCHEDULE "B"

(Attach rider if space is not sufficient)

1. TAKES AND SPECIAL ASSESSMENTS:

- (a) All paid through year 2007  
(b) Unpaid taxes none  
(c) Special Assessments payable in future none  
(d) Are there improvements declared necessary or begun for which no assessment has been made? no  
(e) Is land located in a drainage district? no Name: \_\_\_\_\_  
If so, bonds outstanding \$ \_\_\_\_\_

2. MORTGAGES, DEEDS OF TRUST, VENDORS LIENS AND UNREDEEMED TAX SALES:

(Give names of all parties, amounts, dates, book and page, where recorded, with like information about any assignments)

Mortgagor: Park Place Commons LLC.  
Trustee: Marshall Holt Smith, Jr.  
Mortgagee: Holmes County Bank & Trust Company  
Date: 4-22-08  
Amount: \$780,127.00  
BK: 2309 Pg: 667

Date Recorded: 4-28-08 at 9:50 A.M.

3. RESTRICTIONS AND COVENANTS:

- Are there any? see Exhibit B (Attach verbal copy). Recorded Book \_\_\_\_\_ Page \_\_\_\_\_ Filed \_\_\_\_\_  
(a) State whether violated or not  
(b) Do restrictions contain a reversionary or forfeiture clause?  
(c) If so, has above been released? (Attach release instrument showing book and page where recorded).

4. BUILDING RESTRICTION LINES OR EASEMENTS SHOWN ON RECORDED PLAT:

If any define: See Exhibit B

5. OIL AND MINERAL RIGHTS AND LEASES OUTSTANDING:

If any list: n/a

- (a) Have you examined the title to minerals beginning with the date of original entry? no  
If not, our commitment and policy will contain an appropriate exception.  
(b) Mineral interests, if any, to be reserved by seller \_\_\_\_\_

6. OTHER DEFECTS, LIENS AND OBJECTIONS:

(Where any, check items and describe below or on rider attached). Undersigned certifies items not checked are clear.

- |  |   |
|--|---|
| (a) _____ Mechanic's and Materialmen's Liens of record | (g) _____ Federal Tax Liens                   |
| (b) _____ Judgments                                    | (h) _____ Recorded or known unrecorded leases |
| (c) _____ Estates and Decedent's Debts                 | (i) _____ Easements                           |
| (d) <u>X</u> _____ Easements and Party Wall Agreements | (j) _____ Matters not listed                  |
| (e) _____ Bankruptcy Proceedings                       | (k) _____ Violation of zoning ordinances      |
| (f) _____ Lis Pendens of Record                        | (l) _____ Violation of Building setback lines |

See Exhibit "B"

The undersigned certifies that the title does not depend upon the sale of the property for either taxes or assessments and so far as known there is no dispute among attorneys as to validity of title.

This title certified down to July 8, 2008 at 2:10 P.M.

Approved Attorney Charles H. Evans 525241

By Charles A. Evans Number of firm \_\_\_\_\_

Address P.O. Box 13783 Jackson MS 39236

Phone Number 601 438-2106 Fax Number 601 713-2106  
362 1282

COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND RUN THENCE SOUTH FOR A DISTANCE OF 42.03 FEET TO AN EXISTING CONCRETE MONUMENT (NATCHEZ TRACE MONUMENT NO. 149) ON THE SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 83 DEGREES 09 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 897.10 FEET TO A POINT; RUN THENCE SOUTH 78 DEGREES 07 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 438.37 FEET TO A FOUND CONCRETE MONUMENT LYING WEST OF BRAME ROAD; RUN THENCE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 42.14 FEET TO A POINT; CONTINUE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 1562.08 FEET TO A POINT ON THE WEST LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 00 DEGREES 03 MINUTES 31 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY AND THE WEST RIGHT-OF-WAY LINE OF HIGHLAND COLONY PARKWAY FOR A DISTANCE OF 224.69 FEET TO A FOUND CONCRETE MONUMENT; RUN THENCE SOUTH 87 DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 126.0 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND: CONTINUE THENCE SOUTH 87 DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 470.59 FEET TO A FOUND CONCRETE MONUMENT OF THE WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 26 DEGREES 15 MINUTES 46 SECONDS EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 303.55 FEET TO A FOUND IRON PIN AT THE NORTHERNMOST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE CITY OF RIDGELAND, MISSISSIPPI, BY WARRANTY DEED ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF MADISON COUNTY, MISSISSIPPI, AND RECORDED IN DEED BOOK 360 AT PAGE 632, REFERENCE TO WHICH IS HEREBY MADE IN AID OF AND AS A PART OF THIS DESCRIPTION; RUN THENCE SOUTHERLY AND ALONG THE WEST LINE OF SAID PARCEL AS DESCRIBED IN WARRANTY DEED BOOK 360 AT PAGE 632 AS FOLLOWS; RUN THENCE SOUTH 07 DEGREES 44 MINUTES 24 SECONDS EAST, A DISTANCE OF 284.94 FEET TO A POINT; RUN THENCE SOUTH 17 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 289.51 FEET TO A POINT; RUN THENCE SOUTH 24 DEGREES 48 MINUTES 08 SECONDS EAST, A DISTANCE OF 402.20 FEET TO A POINT; RUN THENCE 01 DEGREES 16 MINUTES 35 SECONDS WEST, A DISTANCE OF 822.75 FEET TO A POINT ON AN EXISTING FENCE; LEAVING SAID WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN WARRANTY DEED BOOK 360 AT PAGE 632, AND RUN THENCE NORTH 88 DEGREES 26 MINUTES 50 SECONDS WEST ALONG SAID EXISTING FENCE FOR A DISTANCE OF 898.05 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE NORTH 00 DEGREES 29 MINUTES 44 SECONDS WEST, A DISTANCE OF 19.23 FEET TO A POINT; RUN THENCE NORTH 44 DEGREES 55 MINUTES 40 SECONDS WEST, A DISTANCE OF 44.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 09 DEGREES 50 MINUTES 41 SECONDS AND RADIUS OF 900.00 FEET; RUN THENCE ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 154.64 FEET (CHORD BEARING AND DISTANCE) NORTH 05 DEGREES 33 MINUTES 46 SECONDS WEST, A DISTANCE OF 154.45 FEET TO A POINT; RUN THENCE NORTH 10 DEGREES 29 MINUTES 08 SECONDS WEST, A DISTANCE OF 108.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 44 MINUTES 53 SECONDS AND A RADIUS OF 800.00 FEET; RUN THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 150.07 FEET (CHORD BEARING AND DISTANCE) NORTH 05 DEGREES 06 MINUTES 40 SECONDS WEST, A DISTANCE OF 149.89 FEET TO A POINT; RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 68.52 FEET TO THE POINT OF BEGINNING OF THE PROPERTY DESCRIBED HEREBIN; THENCE CONTINUE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 107.58 FEET; RUN THENCE NORTH 45 DEGREES 20 MINUTES 20 SECONDS EAST 42.97 FEET TO A POINT; THENCE LEAVING SAID HIGHLAND COLONY PARKWAY RUN SOUTH 89 DEGREES 58 MINUTES 50 SECONDS EAST 824.71 FEET; THENCE SOUTH 18 DEGREES 52 MINUTES 20 SECONDS EAST 101.21 FEET; THENCE SOUTH 04 DEGREES 57 MINUTES 18 SECONDS EAST 65.78 FEET; THENCE NORTH 88 DEGREES 26 MINUTES 50 SECONDS WEST 894.09 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 1 EAST, RIDGELAND, MADISON COUNTY, MISSISSIPPI, AND CONTAINS 3.0 ACRES, MORE OR LESS.

EXHIBIT A

Subject, however, to the following:

1. Ad valorem taxes for the year 2008 although not yet due and payable.
2. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting the conveyed property.
3. Terms and conditions of that certain covenants or restrictions recorded in Book 360 at Page 632.
4. Terms and conditions of that certain right of way and easement reserved on the right of way plans of the "South Madison County Parkway" in the office of the Chancery Clerk of Madison County at Canton, Mississippi. This parkway is now the Highland Colony Parkway.
5. Terms and conditions of that certain right of way in favor of Entergy Mississippi, Inc., dated November 10, 2002, and recorded in Book 527 at Page 465.
6. Terms and conditions of that certain easement to the City of Ridgeland dated August 5, 1995, and recorded in Book 360 at Page 626.
7. Terms and conditions of the conveyance of abutter's rights as contained in Book 79 at Page 89.

**Exhibit B**



V135288

LP107023

APPLICATION AND ATTORNEY'S FINAL CERTIFICATE

Use this form for all cases where transaction is closed and papers recorded.  
If new construction within statutory period for liens, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the coverage and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule "B" hereof, the marketable fee simple title to the real estate described herein is vested in:

Westwoods Investments, LLC

Complete Sections I and II if both mortgagee's and owner's policy desired

I. FOR MORTGAGEE'S POLICY:

1. Is a Short Form Policy to be issued? NO. If so, what is the Street Address? \_\_\_\_\_  
Zip Code? \_\_\_\_\_, Loan Number \_\_\_\_\_
2. Is loan Conventional? YES FHA? \_\_\_\_\_ VA? \_\_\_\_\_
3. Is instrument deed of trust or mortgage? deed of trust dated 8-28-08
4. Does it secure construction financing? NO or permanent financing? YES
5. Mortgagee Westwoods Investments, LLC
6. Trustee Scott R. Hendrix
7. Mortgagee Renasant Bank
8. Filed for record in the office of the Chancery Clerk of Madison County,  
State of MS on 4-2-2008 at 2:30 o'clock P M.,  
recorded Book 2302 Page 372
9. Amount of debt \$ 781,950. Final Maturity 4-5-2012
10. Assigned by instrument dated \_\_\_\_\_ to \_\_\_\_\_,  
executed by \_\_\_\_\_  
Filed for record \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., recorded in said  
County in Book \_\_\_\_\_, Page \_\_\_\_\_

II. FOR OWNER'S POLICY: NO

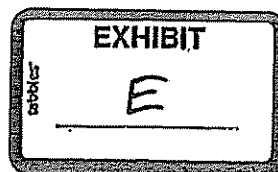
- (a) Kind of Instrument \_\_\_\_\_ dated \_\_\_\_\_
- (b) Grantors \_\_\_\_\_
- (c) Grantees \_\_\_\_\_  
Filed for record in office of \_\_\_\_\_ of \_\_\_\_\_  
County, State of \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
recorded in Book \_\_\_\_\_ Page \_\_\_\_\_
- (d) Consideration \$ \_\_\_\_\_, Estate of Grantees \_\_\_\_\_ (fee, years, leasehold)

SCHEDULE A

Insert below verbatim copy of description as contained in deed or mortgage to be insured.

Situated in Ridgeland County of Madison, State of MS to-wit:

See Exhibit A



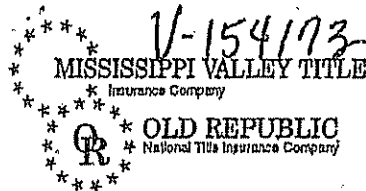
COMMENCE AT A CONCRETE MONUMENT, MARKING THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND RUN THENCE SOUTH FOR A DISTANCE OF 42.03 FEET TO AN EXISTING CONCRETE MONUMENT (NATCHEZ TRACE MONUMENT NO. 149) ON THE SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 83 DEGREES 09 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 897.10 FEET TO A POINT; RUN THENCE SOUTH 78 DEGREES 07 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 438.37 FEET TO A FOUND CONCRETE MONUMENT LYING WEST OF BRAMB ROAD; RUN THENCE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 42.14 FEET TO A POINT; CONTINUE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 1362.08 FEET TO A POINT ON THE WEST LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 00 DEGREES 03 MINUTES 31 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY AND THE WEST RIGHT-OF-WAY LINE OF HIGHLAND COLONY PARKWAY FOR A DISTANCE OF 224.69 FEET TO A FOUND CONCRETE MONUMENT; RUN THENCE SOUTH 87 DEGREES 37 MINUTES 52 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 136.0 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; CONTINUE THENCE SOUTH 87 DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 470.59 FEET TO A FOUND CONCRETE MONUMENT OF THE WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 26 DEGREES 15 MINUTES 46 SECONDS EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 903.55 FEET TO A FOUND IRON PIN AT THE NORTHERNMOST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE CITY OF RIDGELAND, MISSISSIPPI, BY WARRANTY DEED ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF MADISON COUNTY, MISSISSIPPI, AND RECORDED IN DEED BOOK 360 AT PAGE 632, REFERENCE TO WHICH IS HEREBY MADE IN AID OF AND AS A PART OF THIS DESCRIPTION; RUN THENCE SOUTHERLY AND ALONG THE WEST LINE OF SAID PARCEL AS DESCRIBED IN WARRANTY DEED BOOK 360 AT PAGE 632 AS FOLLOWS; RUN THENCE SOUTH 07 DEGREES 44 MINUTES 24 SECONDS EAST, A DISTANCE OF 284.94 FEET TO A POINT; RUN THENCE SOUTH 17 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 289.51 FEET TO A POINT; RUN THENCE SOUTH 24 DEGREES 48 MINUTES 08 SECONDS EAST, A DISTANCE OF 402.20 FEET TO A POINT; RUN THENCE 01 DEGREES 16 MINUTES 35 SECONDS WEST, A DISTANCE OF 829.75 FEET TO A POINT ON AN EXISTING FENCE, LEAVING SAID WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN WARRANTY DEED BOOK 360 AT PAGE 632, AND RUN THENCE NORTH 88 DEGREES 26 MINUTES 50 SECONDS WEST ALONG SAID EXISTING FENCE FOR A DISTANCE OF 898.05 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE NORTH 00 DEGREES 29 MINUTES 44 SECONDS WEST, A DISTANCE OF 19.23 FEET TO A POINT; RUN THENCE NORTH 44 DEGREES 35 MINUTES 40 SECONDS WEST, A DISTANCE OF 44.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 09 DEGREES 50 MINUTES 41 SECONDS AND RADIUS OF 900.00 FEET; RUN THENCE ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 154.64 FEET (CHORD BEARING AND DISTANCE: NORTH 05 DEGREES 33 MINUTES 46 SECONDS WEST, A DISTANCE OF 154.45 FEET TO A POINT); RUN THENCE NORTH 10 DEGREES 29 MINUTES 08 SECONDS WEST, A DISTANCE OF 108.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 44 MINUTES 53 SECONDS AND A RADIUS OF 800.00 FEET; RUN THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 150.07 FEET (CHORD BEARING AND DISTANCE: NORTH 05 DEGREES 06 MINUTES 40 SECONDS WEST, A DISTANCE OF 149.89 FEET TO A POINT); RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 167.10 FEET; RUN THENCE NORTH 45 DEGREES 20 MINUTES 20 SECONDS EAST 423.7 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 43.00 FEET; RUN THENCE NORTH 32 DEGREES 14 MINUTES 35 SECONDS WEST 55.83 FEET; RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 70.66 FEET TO A POINT; THENCE LEAVING SAID HIGHLAND COLONY PARKWAY RUN SOUTH 89 DEGREES 32 MINUTES 07 SECONDS EAST 775.90 FEET; THENCE SOUTH 29 DEGREES 01 MINUTES 49 SECONDS EAST 120.09 FEET; THENCE SOUTH 18 DEGREES 52 MINUTES 20 SECONDS EAST 61.23 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 50 SECONDS WEST 824.71 FEET TO THE POINT OF BEGINNING, THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 1 EAST, RIDGELAND, MADISON COUNTY, MISSISSIPPI, AND CONTAINS 3.0 ACRES, MORE OR LESS.

EXHIBIT A

Subject, however, to the following:

1. Ad valorem taxes for the year 2008 although not yet due and payable.
2. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting the conveyed property.
3. Terms and conditions of that certain covenants or restrictions recorded in Book 360 at Page 632.
4. Terms and conditions of that certain right of way and easement reserved on the right of way plans of the "South Madison County Parkway" in the office of the Chancery Clerk of Madison County at Canton, Mississippi. This parkway is now the Highland Colony Parkway.
5. Terms and conditions of that certain right of way in favor of Entergy Mississippi, Inc., dated November 10, 2002, and recorded in Book 527 at Page 465.
6. Terms and conditions of that certain easement to the City of Ridgeland dated August 5, 1995, and recorded in Book 360 at Page 626.
7. Terms and conditions of the conveyance of abutter's rights as contained in Book 79 at Page 89.

**Exhibit B**



L P 107085

APPLICATION AND ATTORNEY'S FINAL CERTIFICATE

Use this form for all cases where transaction is closed and papers recorded.  
If new construction within statutory period for lens, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the sovereign and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule "B" hereof, the marketable fee simple title to the real estate described herein is vested in:

Nottaway Pointe LLC

Complete Sections I and II if both mortgagee's and owner's policy desired

I. FOR MORTGAGEE'S POLICY:

1. Is a Short Form Policy to be issued? No. If no, what is the Street Address? \_\_\_\_\_  
Zip Code? \_\_\_\_\_, Loan Number \_\_\_\_\_  
2. Is loan Conventional? yes FHA? no VAY? no  
3. Is instrument deed of trust or mortgage? deed of trust dated 2-11-09  
4. Does it secure construction financing? no or permanent financing? yes  
5. Mortgagee Nottaway Pointe, LLC  
6. Trustee Marshall Holt Smith, Jr.  
7. Mortgagee Holmes County Bank & Trust Company  
8. Filed for record in the office of the Chancery Clerk of Madison County,  
State of MS on 2-12-2009 at 2:00 o'clock P. M.,  
recorded in Book 2395 Page 284  
9. Amount of debt \$ 800,292.00, Final Maturity 2-11-2010  
10. Assigned by instrument dated \_\_\_\_\_ to \_\_\_\_\_, executed by \_\_\_\_\_  
Filed for record \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., recorded in said  
County in Book \_\_\_\_\_, Page \_\_\_\_\_

II. FOR OWNER'S POLICY: No

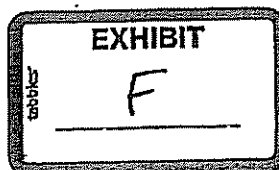
(a) Kind of instrument \_\_\_\_\_ dated \_\_\_\_\_  
(b) Grantors \_\_\_\_\_  
(c) Grantees \_\_\_\_\_  
Filed for record in office of \_\_\_\_\_ of \_\_\_\_\_  
County, State of \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
recorded in Book \_\_\_\_\_ Page \_\_\_\_\_  
(d) Consideration \$ \_\_\_\_\_ Estate of Grantees \_\_\_\_\_ (fee, years, leasehold)

SCHEDULE A

Insert below verbatim copy of description as contained in deed or mortgage to be insured.

Situated in Ridgeland County of Madison, State of MS to-wit:

See Exhibit A





FINAL CERTIFICATE

SCHEDULE "B"

(Attach rider if space is not sufficient)

1. TAXES AND SPECIAL ASSESSMENTS:

- (a) All paid through year 2008 2009  
(b) Unpaid taxes none  
(c) Special Assessments payable in future none  
(d) Are there improvements declared necessary or begun for which no assessment has been made? no  
(e) Is land located in a drainage district? no Name: \_\_\_\_\_  
If so, bonds outstanding \$ \_\_\_\_\_

2. MORTGAGES, DEEDS OF TRUST, VENDORS LIENS AND UNREDEEMED TAX SALES:

(Give names of all parties, amounts, dates, book and page, where recorded, with like information about any assignments)

Mortgagor: Nottaway Pointe, LLC  
Trustee: Marshall Holt Smith, Jr.  
Mortgagee: Holmes County Bank & Trust Co.  
Date: 2-11-09  
Amount: \$800,292.00  
BK: 2395 Pg: 284

Date Recorded: 2-12-09 at 2:00 P.M.

3. RESTRICTIONS AND COVENANTS: see Exhibit B

- Are there any? \_\_\_\_\_ (Attach verbatim copy). Recorded Book \_\_\_\_\_ Page \_\_\_\_\_ Filed \_\_\_\_\_  
(a) State whether violated or not  
(b) Do restrictions contain a reversionary or forfeiture clause? \_\_\_\_\_  
(c) If so, has above been released? \_\_\_\_\_ (Attach release instrument showing book and page where recorded).

4. BUILDING RESTRICTION LINES OR EASEMENTS SHOWN ON RECORDED PLAT:

If any define: See Exhibit B

5. OIL AND MINERAL RIGHTS AND LEASES OUTSTANDING:

If any list: n/a

- (a) Have you examined the title to minerals beginning with the date of original entry? no  
If not, our commitment and policy will contain an appropriate exception.  
(b) Mineral interests, if any, to be reserved by seller \_\_\_\_\_

6. OTHER DEFECTS, LIENS AND OBJECTIONS:

(Where any, check items and describe below or on rider attached). Underigned certifies items not checked are clear.

- |   |   |
|---|---|
| (a) _____ Mechanics and Materialmen's Liens of record                       | (g) _____ Federal Tax Liens                   |
| (b) _____ Judgments   | (h) _____ Recorded or known unrecorded leases |
| (c) _____ Estates and Decedent's Debts                                      | (i) _____ Encroachments                       |
| (d) <input checked="" type="checkbox"/> Easements and Party Wall Agreements | (j) _____ Matters not listed                  |
| (e) _____ Bankruptcy Proceedings  | (k) _____ Violation of zoning ordinances      |
| (f) _____ Lis Pendens of Record   | (l) _____ Violation of Building setback lines |

See Exhibit "B"

The undersigned certifies that the title does not depend upon the sale of the property for either taxes or assessments and so far as known there is no dispute among attorneys as to validity of title.

This title certified down to July 8 2-12-09 2009 at 2:00 P.M.

Approved Attorney Charles H. Evans

By Charles H. Evans  
Member of Firm

Address P.O. Box 13783 Jackson MS 39236

Phone Number 601 713 2106 Fax Number 601 713-2106

362 1282

12/02

Evans - M/T  
AE 000171

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COMMENCE AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND RUN THENCE SOUTH FOR A DISTANCE OF 42.03 FEET TO AN EXISTING CONCRETE MONUMENT (NATCHEZ TRACE MONUMENT NO. 149) ON THE SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 83 DEGREES 09 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 897.10 FEET TO A POINT; RUN THENCE SOUTH 78 DEGREES 07 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 438.37 FEET TO A FOUND CONCRETE MONUMENT LYING WEST OF BRAMB ROAD; RUN THENCE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 42.14 FEET TO A POINT; CONTINUE SOUTH 78 DEGREES 04 MINUTES 01 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 1362.08 FEET TO A POINT ON THE WEST LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 00 DEGREES 03 MINUTES 31 SECONDS WEST ALONG SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY AND THE WEST RIGHT-OF-WAY LINE OF HIGHLAND COLONY PARKWAY FOR A DISTANCE OF 224.69 FEET TO A FOUND CONCRETE MONUMENT; RUN THENCE SOUTH 87 DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 196.0 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; CONTINUE THENCE SOUTH 87 DEGREES 37 MINUTES 32 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF THE NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 470.59 FEET TO A FOUND CONCRETE MONUMENT OF THE WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY; RUN THENCE SOUTH 26 DEGREES 15 MINUTES 46 SECONDS EAST ALONG THE SAID WEST RIGHT-OF-WAY LINE OF NATCHEZ TRACE PARKWAY FOR A DISTANCE OF 303.53 FEET TO A FOUND IRON PIN AT THE NORTHERNMOST CORNER OF THAT CERTAIN PARCEL OF LAND CONVEYED TO THE CITY OF RIDGELAND, MISSISSIPPI, BY WARRANTY DEED ON FILE AND OF RECORD IN THE OFFICE OF THE CHANCERY CLERK OF MADISON COUNTY, MISSISSIPPI, AND RECORDED IN DEED BOOK 360 AT PAGE 632, REFERENCE TO WHICH IS HEREBY MADE IN AID OF AND AS A PART OF THIS DESCRIPTION; RUN THENCE SOUTHERLY AND ALONG THE WEST LINE OF SAID PARCEL AS DESCRIBED IN WARRANTY DEED BOOK 360 AT PAGE 632 AS FOLLOWS; RUN THENCE SOUTH 07 DEGREES 44 MINUTES 24 SECONDS EAST, A DISTANCE OF 284.34 FEET TO A POINT; RUN THENCE SOUTH 17 DEGREES 58 MINUTES 56 SECONDS EAST, A DISTANCE OF 289.51 FEET TO A POINT; RUN THENCE SOUTH 24 DEGREES 48 MINUTES 08 SECONDS EAST, A DISTANCE OF 402.20 FEET TO A POINT; RUN THENCE 01 DEGREES 16 MINUTES 35 SECONDS WEST A DISTANCE OF 829.75 FEET TO A POINT ON AN EXISTING FENCE; LEAVING SAID WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN WARRANTY DEED BOOK 360 AT PAGE 632, AND RUN THENCE NORTH 83 DEGREES 26 MINUTES 50 SECONDS WEST ALONG SAID EXISTING FENCE FOR A DISTANCE OF 898.05 FEET TO A POINT ON SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE OF SAID HIGHLAND COLONY PARKWAY AS FOLLOWS; RUN THENCE NORTH 00 DEGREES 29 MINUTES 44 SECONDS WEST, A DISTANCE OF 19.23 FEET TO A POINT; RUN THENCE NORTH 44 DEGREES 55 MINUTES 40 SECONDS WEST, A DISTANCE OF 44.43 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 09 DEGREES 50 MINUTES 41 SECONDS AND A RADIUS OF 900.00 FEET; RUN THENCE ALONG SAID CURVE TO THE LEFT FOR AN ARC DISTANCE OF 154.64 FEET (CHORD BEARING AND DISTANCE: NORTH 05 DEGREES 33 MINUTES 46 SECONDS WEST, A DISTANCE OF 154.45 FEET TO A POINT); RUN THENCE NORTH 10 DEGREES 29 MINUTES 08 SECONDS WEST, A DISTANCE OF 108.17 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 10 DEGREES 44 MINUTES 53 SECONDS AND A RADIUS OF 800.00 FEET; RUN THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 150.07 FEET (CHORD BEARING AND DISTANCE: NORTH 05 DEGREES 06 MINUTES 40 SECONDS WEST, A DISTANCE OF 149.89 FEET TO A POINT); RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 167.10 FEET; RUN THENCE NORTH 45 DEGREES 20 MINUTES 20 SECONDS EAST 42.37 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 43.00 FEET; RUN THENCE NORTH 32 DEGREES 14 MINUTES 35 SECONDS WEST 55.83 FEET; RUN THENCE NORTH 00 DEGREES 15 MINUTES 47 SECONDS EAST 70.66 FEET TO A POINT; THENCE LEAVING SAID HIGHLAND COLONY PARKWAY RUN SOUTH 89 DEGREES 52 MINUTES 07 SECONDS EAST 775.90 FEET; THENCE SOUTH 29 DEGREES 01 MINUTES 49 SECONDS EAST 120.09 FEET; THENCE SOUTH 18 DEGREES 52 MINUTES 20 SECONDS EAST 61.23 FEET; THENCE NORTH 89 DEGREES 58 MINUTES 50 SECONDS WEST 824.71 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 NORTH, RANGE 1 EAST, RIDGELAND, MADISON COUNTY, MISSISSIPPI, AND CONTAINS 3.0 ACRES, MORE OR LESS.

EXHIBIT A

Subject, however, to the following:

1. Ad valorem taxes for the year 2008 although not yet due and payable.
2. Any valid and subsisting recorded oil, gas, or mineral leases, royalty reservations or conveyances affecting the conveyed property.
3. Terms and conditions of that certain covenants or restrictions recorded in Book 360 at Page 632.
4. Terms and conditions of that certain right of way and easement reserved on the right of way plans of the "South Madison County Parkway" in the office of the Chancery Clerk of Madison County at Canton, Mississippi. This parkway is now the Highland Colony Parkway.
5. Terms and conditions of that certain right of way in favor of Entergy Mississippi, Inc., dated November 10, 2002, and recorded in Book 527 at Page 465.
6. Terms and conditions of that certain easement to the City of Ridgeland dated August 5, 1995, and recorded in Book 360 at Page 626.
7. Terms and conditions of the conveyance of abutter's rights as contained in Book 79 at Page 89.

**Exhibit B**

09/19/2008 15:44 6017132185 6017132185 HIGHLAND BLUFF PAGE 01/05

**MISSISSIPPI VALLEY TITLE**  
Insurance Company  
**OLD REPUBLIC**  
National Title Insurance Company

**MVT Binder #**  
**V135289**

**APPLICATION AND ATTORNEY'S FINAL CERTIFICATE**

Use this form for all cases where transaction is closed and papers recorded.  
If new construction within statutory period for liens, attach an Owner's and Contractor's affidavit.

The undersigned certifies that he does not know of any unrecorded liens or claims affecting the title, and based on a personal examination of all applicable public records (or of abstracts described below), undersigned certifies that the title is out of the sovereign and beginning with a good deed not less than fifty years ago, and subject to the exceptions noted in Schedule "B" hereof, the marketable fee simple title to the real estate described herein is vested in:

White Oaks Investment Company LLC

Complete Sections I and II if both mortgagee's and owner's policy desired

**I. FOR MORTGAGEE'S POLICY:**

1. Is a Short Form Policy to be issued? no. If so, what is the Street Address? \_\_\_\_\_  
Zip Code? \_\_\_\_\_, Loan Number \_\_\_\_\_

2. Is loan Conventional? yes FHA? no VA? no

3. Is instrument deed of trust or mortgage? Deed of trust dated 7-21-08

4. Does it secure construction financing? no or permanent financing? yes

5. Mortgagee White Oaks Investment Company LLC

6. Trustee Oliver B. Triplett III

7. Mortgagee Book of Forest

8. Filed for record in the office of the Chancery Clerk of Madison County,  
State of MS on 7-17-08 at 11:10 o'clock PM,  
recorded Book 2354 Page 391  
9. Amount of debt \$ 1,296,500.00, Final Maturity 7-21-2010

10. Assigned by instrument dated \_\_\_\_\_, executed by \_\_\_\_\_  
to \_\_\_\_\_  
Filed for record \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., recorded in said  
County in Book \_\_\_\_\_, Page \_\_\_\_\_

**II. FOR OWNER'S POLICY:** no

(a) Kind of instrument \_\_\_\_\_ dated \_\_\_\_\_

(b) Grantors \_\_\_\_\_

(c) Grantees \_\_\_\_\_  
Filed for record in office of \_\_\_\_\_ of \_\_\_\_\_  
County, State of \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.,  
recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

(d) Consideration \$ \_\_\_\_\_, Estate of Grantee \_\_\_\_\_ (five years, leasehold)

**SCHEDULE A**

Insert below verbatim copy of description as contained in deed or mortgage to be insured,  
Situating in City of Madison County of Madison, State of MS to-wit:

See Exhibits A & B

**EXHIBIT**  
6

MVT 92-33

Evans - MVT  
AE 000671

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HIGHLAND BLUFF

PAGE 02/03

FINAL CERTIFICATE

SCHEDULE "B"  
(Attach rider if space is not sufficient)

1. TAXES AND SPECIAL ASSESSMENTS:

- (a) All paid through year 2007  
(b) Unpaid taxes none  
(c) Special Assessments payable in future none  
(d) Are there improvements declared necessary or begun for which no assessment has been made? no  
(e) Is land located in a drainage district? no Name: \_\_\_\_\_  
If so, bonds outstanding \$ \_\_\_\_\_

2. MORTGAGES, DEEDS OF TRUST, VENDORS LIENS AND UNREDEEMED TAX SALES:

(Give names of all parties, amounts, dates, book and page, where recorded, with like information about any assignments)

Mortgagor: White Oaks Investment Company, LLC  
Trustee: Oliver B. Triplett III  
Mortgagee: Bank of Forest  
Date: 7-21-08  
Amount: \$1,296,500.00  
BK: 2354 Pg: 391  
Date Recorded: 9-17-08 at 11:10 A.M.

3. RESTRICTIONS AND COVENANTS: See Exhibit # C

- Are there any? (Attach verbatim copy). Recorded Book \_\_\_\_\_ Page \_\_\_\_\_ Filed \_\_\_\_\_  
(a) State whether violated or not \_\_\_\_\_  
(b) Do restrictions contain a reversionary or forfeiture clause? \_\_\_\_\_  
(c) If so, has above been released? (Attach release instrument showing book and page where recorded).

4. BUILDING RESTRICTION LINES OR EASEMENTS SHOWN ON RECORDED PLAT:

If any define: See Exhibit # C

5. OIL AND MINERAL RIGHTS AND LEASES OUTSTANDING:

If any list: n/a

- (a) Have you examined the title to minerals beginning with the date of original entry? no  
If not, our commitment and policy will contain an appropriate exception.  
(b) Mineral interests, if any, to be reserved by seller \_\_\_\_\_

6. OTHER DEFECTS, LIENS AND OBJECTIONS:

(Where any, check items and describe below or on rider attached). Undersigned certifies items not checked are clear.

- |  |   |
|--|---|
| (a) _____ Mechanic's and Materialman's Liens of record | (g) _____ Federal Tax Liens                   |
| (b) _____ Judgments                                    | (h) _____ Recorded or known unrecorded leases |
| (c) _____ Estates and Decedent's Debts                 | (i) _____ Encroachments                       |
| (d) <u>X</u> _____ Easements and Party Wall Agreements | (j) _____ Matters not listed                  |
| (e) _____ Bankruptcy Proceedings                       | (k) _____ Violation of zoning ordinances      |
| (f) _____ Lis Pendens of Record                        | (l) _____ Violation of Building setback lines |

See Exhibit "C"

The undersigned certifies that the title does not depend upon the sale of the property for either taxes or assessments and so far as known there is no dispute among attorneys as to validity of title.

This title certified down to July 9-17 2008 at 11:10 AM

Approved Attorney: Charles H. Evans  
By: Charles H. Evans

Address: P.O. Box 13783 Jackson MS 39236

Phone Number: 601 713 2106 Fax Number: 601 713-2106  
362 1282

12/92

Evans - MYT  
AE 000672

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HIGHLAND BLUFF

PAGE 83/05

BOOK 2354 PAGE 0394 1/2

EXHIBIT A

LEGAL DESCRIPTION OF NORTH 2.2505-ACRE TRACT

A CERTAIN PARCEL OF LAND LYING AND BEING SITUATED IN SECTION 12, TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 2 AS SHOWN ON BENCHMARK ENGINEERING PLAT, DATED JAN. 25, 2007 AND BEING 1325.18 FEET WEST OF AND 32.66 FEET NORTH OF THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12 AND RUN NORTH 08 DEGREES 37 MINUTES 29 SECONDS EAST 364.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 08 DEGREES 37 MINUTES 29 SECONDS EAST 304.31 FEET; THENCE SOUTH 88 DEGREES 02 MINUTES 22 SECONDS EAST 315.34 FEET TO THE WEST RIGHT OF WAY OF A PUBLIC ROAD; THENCE THE FOLLOWING BEARING AND DISTANCES ALONG SAID WEST RIGHT OF WAY; THENCE SOUTH 09 DEGREES 36 MINUTES 16 SECONDS WEST ALONG THE CHORD OF A CURVE BEARING TO THE LEFT HAVING A RADIUS OF 850.0 FEET, A DISTANCE OF 138.53 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 04 DEGREES 56 MINUTES 34 SECONDS WEST 54.72 FEET TO THE POINT OF CURVATURE OF A CURVE BEARING TO THE LEFT HAVING A RADIUS OF 820.0 FEET; THENCE SOUTHERLY ALONG SAID CURVE A CHORD BEARING AND DISTANCE OF SOUTH 00 DEGREES 15 MINUTES 56 SECONDS EAST 149.04 FEET; THENCE SOUTH 84 DEGREES 31 MINUTES 13 SECONDS WEST 80.0 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY NORTH 75 DEGREES 31 MINUTES 45 SECONDS WEST 218.56 FEET TO THE POINT OF BEGINNING, CONTAINING 2.2505 ACRES, MORE OR LESS.

Signed for Identification,  
WHITE OAKS INVESTMENT COMPANY LLC

John C. Evans  
John C. Evans, Member

7-11-08

Date

Date

Date

Date

Date

Date

EXHIBIT A 10-18/07051

Evans - MVT  
AE 000673

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Case 09-03763-NPO Doc 78-7 Filed 11/17/09 Entered 11/17/09 16:43:54 Desc  
Exhibit G Page 4 of 5

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PAGE 04/05

BOOK 2354 PAGE 0395

EXHIBIT B

LEGAL DESCRIPTION OF SOUTH 2.1105-ACRE TRACT

A CERTAIN PARCEL OF LAND LYING AND BEING SITUATED IN SECTION 12,  
TOWNSHIP 7 NORTH, RANGE 1 EAST, MADISON COUNTY, MISSISSIPPI AND  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT 2 AS SHOWN ON  
BENCHMARK ENGINEERING PLAT, DATED JAN. 23, 2008 AND BEING 1325.18  
FEET WEST OF AND 32.66 FEET NORTH OF SOUTHEAST CORNER OF THE  
NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 12  
AND RUN NORTH 00 DEGREES 77 MINUTES 39 SECONDS EAST 364.79 FEET;  
THENCE SOUTH 75 DEGREES 31 MINUTES 45 SECONDS EAST 218.56 FEET TO  
THE WEST RIGHT OF WAY OF A PUBLIC STREET; THENCE THE FOLLOWING  
BEARINGS AND DISTANCES ALONG SAID RIGHT OF WAY: SOUTH 09  
DEGREES 54 MINUTES 16 SECONDS EAST ALONG A CURVE BEARING TO THE  
LEFT HAVING A RADIUS OF 900.01 FEET FOR A DISTANCE OF 138.37 FEET;  
THENCE NORTH 75 DEGREES 20 MINUTES 47 SECONDS EAST FOR A  
DISTANCE OF 10.0 FEET; THENCE SOUTH ALONG A CURVE BEARING TO THE  
LEFT HAVING A RADIUS OF 420.0 FEET A CHORD DISTANCE AND BEARING  
OF SOUTH 21 DEGREES 30 MINUTES 07 SECONDS EAST 203.67 FEET; THENCE  
LEAVING SAID RIGHT OF WAY SOUTH 19 DEGREES 35 MINUTES 39 SECONDS  
WEST 392.40 FEET TO THE POINT OF BEGINNING, CONTAINING 2.2505 ACRES,  
MORE OR LESS.

MADISON COUNTY MS. This instrument was  
Noted for record SEPT. 17, 2008 at 11:12 AM.  
Book 2354 Page 391  
ARTHUR J. JOHNSON, O.C.,  
BY: [Signature] D.C.

Signed for Identification.  
WHITE OAKS INVESTMENT COMPANY LLC

<u>John C. Evans</u>	<u>7-21-08</u>	_____
JOHN C. EVANS, Member	Date	Date
_____	Date	Date
_____	Date	Date

EXHIBIT A Rev. (9/8/05)

Evans - MYT  
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PAGE 05/05

1. That certain Pipe Line right of way to Texas Eastern Transmission Corporation, dated 3/28/55, recorded in Book 61, Page 269.
2. That certain Pipe Line right of way to Texas Eastern Transmission Corporation, dated 4/6/55, recorded in Book 61, Page 407.
3. That certain easement to the City of Madison for a sanitary sewer line running with the foregoing pipe line right of way.
4. All ad valorem taxes for the year 2008 which are not yet due or payable.
5. Corrective Permanent Easement and Right of Way in favor of Madison County, Mississippi, dated April 21, 2008 and recorded in Book 2307 at page 925, as corrected in Book 2319 at page 872.

EXHIBIT C

Evans - MVT  
AE 000675

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